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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 JUSTIN EDMISTEN,

Case No. 3:21-cv-00517-LRH-CSD

10 Petitioner,

ORDER

11 v.

12 WILLIAM L. GITTERE, et al.,

13 Respondents.

14 On February 2, 2022, this court dismissed Justin Edmisten's *pro se* 28 U.S.C. §
15 2254 petition for writ of habeas corpus without prejudice for failure to properly
16 commence the action (ECF No. 4). Judgment was entered, and the case was closed
17 (ECF No. 6). Edmisten was advised that if he wished to pursue federal habeas relief, he
18 had to file a new petition, in a new case, with a properly completed application to
19 proceed *in forma pauperis* or the \$5.00 filing fee (ECF No. 4).

20 Edmisten complied and dispatched a new petition on or about February 3, 2022.
21 However, that new petition was inadvertently filed in this closed case (see ECF No. 9).

22 **IT IS ORDERED** that the Clerk of Court **terminate** the application to proceed *in*
23 *forma pauperis* (ECF No. 9). The Clerk is directed to **open a new habeas** action and
24 file the application to proceed *in forma pauperis* and the attachments in that new case.

25 DATED: 2 March 2022.

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28 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE